

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

SINCERE SMITH,

Plaintiff,

v.

Civ. Action No.
9:20-CV-1435 (GTS/CFH)

C.O. B. HUGGLER; and
C.O. K. BROOKS,

Defendants.

ORDER

Sincere Smith, #18-A-4013, plaintiff in the above-entitled action, has been directed to appear at the U.S. Courthouse and Federal Building, 100 South Clinton Street, Syracuse, New York on Thursday, July 20, 2023 at 10:00 AM for the purpose of attending an evidentiary hearing relative to the above entitled case. It appears that Sincere Smith is presently incarcerated at the Upstate Correctional Facility located in Malone, New York. It is necessary that a Writ of *Habeas Corpus Ad Testificandum* be issued for the purpose of securing Sincere Smith's presence at said proceeding. While New York State is required to advance the costs of Poulos' transportation, these costs shall be repaid to the state from the monetary award, if any, recovered by Smith at trial.

Accordingly, it is hereby

ORDERED, that the clerk of the court issue a Writ of *Habeas Corpus Ad Testificandum* directing the Superintendent of the Upstate Correctional Facility to deliver Sincere Smith to the U.S. Courthouse and Federal Building, 100 South Clinton Street, Syracuse, New York on **July 20, 2023, by 9:30 AM for an evidentiary hearing starting at 10:00 AM and any recessed date thereafter** (the proceeding is estimated to last one day); and it is further

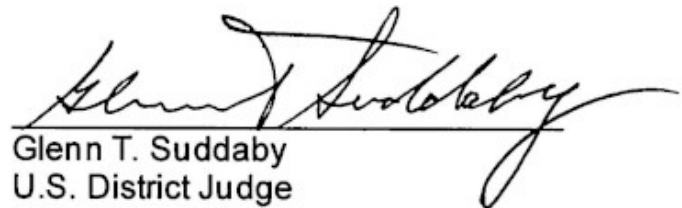
ORDERED, that Sincere Smith may be returned to the State Facility upon the completion of the evidentiary hearing and is to remain subject to the confinement imposed upon him by the State of New York; and it is further

ORDERED, that New York State shall advance the cost of Sincere Smith's transportation, which shall be repaid to the state from the monetary award, if any, recovered by Smith at trial; and it is further

ORDERED, that an electronic certified copy of said Writ be delivered to the United States Marshal or his authorized deputy for service upon the named detention facilities stated herein to serve as notice to prepare Sincere Smith for transport; and it is further

ORDERED, that in the event the action is settled prior to the

evidentiary hearing, it shall be incumbent upon defendant(s) or his/her authorized representative to notify the designated institution where Sincere Smith is housed and cancel such Writ to produce.



Glenn T. Suddaby
U.S. District Judge

Dated: June 22, 2023
Syracuse, NY